



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANKLIN REALTY CO., and  
FRANKLIN REALTY HOLDINGS, LLC

Plaintiffs,

No. Civ. 09 CV 2221 (RJS) (AJP)

-against-

CASE MANAGEMENT PLAN AND  
SCHEDULING ORDER  
ECF

PAAMCO FOUNDERS CO., LLC,

Defendant.

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on May 19, 2009, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.  
*Amended Complaint to be filed by July 7, 2009.*
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than May 21, 2009.
6. All *fact* discovery is to be completed no later than October 30, 2009.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:

- a. Initial requests for production of documents to be served by May 29, 2009.
  - b. Initial interrogatories, consistent with Local Rule 33.3(a), to be served by May 29, 2009. Any other interrogatories to be served by September 30, 2009 (or 3 days earlier if served by mail).
  - c. Depositions to be completed by close of fact discovery
    - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
    - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
    - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
  - d. Requests to Admit to be served no later than November 6, 2009.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
- a. Expert(s) of Plaintiff(s): January 29, 2010
  - b. Expert(s) of Defendant(s): January 29, 2010.
  - c. Subject to further agreement of the parties, any initial expert reports will be exchanged on December 11, 2009 and any rebuttal reports on January 15, 2010,
9. All discovery is to be completed no later than January 29, 2010.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery. - Feb. 15, 2010 at 9:15am
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 16. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter.
- PM Letter(s) by Feb. 2, 2010; Response(s) by Feb. 5, 2010.

12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request:

a.   X   Referral to a Magistrate Judge for settlement discussions

*MT Peck shall contact the parties by Sept. 14, 2009*

b.        Referral to the Southern District's Mediation Program

13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

14. The parties have conferred and their present best estimate of the length of trial is not more than 5 court days.

15. The Plaintiffs and the Defendants may take <sup>12</sup> ~~Plaintiffs propose 18/ Defendant proposes 12~~ depositions per side, with any additional depositions requiring leave of court.

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**TO BE COMPLETED BY THE COURT:**

16. [Other directions to the parties:]

17. The post-discovery status conference is scheduled for Feb. 15, 2010 at 9:15 a.m.

SO ORDERED.

DATED: New York, New York

May 19, 2009

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE